

**THE PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

David ANDERSON)	
Clarence W. BLACKHURST)	
Gary A. CHORPENNING)	
Jeff DYBDAHL)	
Harrison A. GRUENLER)	
Peggy McQUADE-HEDDEN)	
Keith R. KIVLIN)	
Case KOORN)	
John LADERER)	
Patricia M. LADERER)	
Betty MEABON)	
James M. MORAN)	
Richard C. NEGLEY)	
William H. NEWELL)	
Robert J. PICKETT, Sr.)	
Charles L. STEEL)	
George W. STEWART)	
Margaret A. STOUT)	
John Allan WATSON)	
Complainants/Appellants)	
)	
v.)	REMEDIAL CASE 210-4
)	
Presbytery of SCIOTO VALLEY)	
Respondent/Appellee)	

This remedial Case comes before the Permanent Judicial Commission of the General Assembly (Commission) on appeal by David Anderson (Appellant), joined by several others (collectively, Appellants) from a decision by the Permanent Judicial Commission of the Synod of the Covenant (Synod PJC). The Presbytery of Scioto Valley (Presbytery) is the Appellee.

In adopting amendments to the Form of Government and Rules of Discipline, the 208th General Assembly (1996) affirmed this Commission's request that all cases filed before the adoption of the amendments be adjudicated in accordance with the Rules of Discipline then in effect. Therefore, we consider this case in accordance with the 1995-1996 version of the Rules of Discipline. All references in this decision shall be to the 1995-1996 Rules of Discipline.

This Commission finds that it has jurisdiction, that the Appellants have standing to appeal, that the appeal was properly and timely filed, and that the appeal is in order (D-13.1200).

History

This case was previously considered by the Commission in February 1997 and was remanded to the Synod PJC for that body to render a determination on the preliminary questions and to dispose of the case. The case was decided on jurisdictional grounds by the Synod PJC and the Appellants have again appealed.

The Appellants' complaint of an irregularity by the Presbytery is based on passage by the Presbytery of two motions on November 28, 1995.

The first motion was,

That the Presbytery support in any way it can the mission and ministry of Northminster Church. Northminster Church has sought to provide a ministry to a population to which it is difficult to minister under the Authoritative Interpretation of the Definitive Guidance in the Presbyterian Church (U.S.A.).
[sic]

The second motion was,

To extend the stated supply contract between Theresa Hansing and Northminster Church from 10/1/95 to 12/31/95 with the request for extension to 9/30/96 to be

received by the Committee on Ministry following the report of the Administrative Commission in November.

The Synod PJC found that the Presbytery had a right and obligation to support congregations within its jurisdiction. The Synod PJC found, “no Constitutional provision has here been violated” by adoption of the first motion. The Synod PJC found in relation to the second motion that, “the Presbytery decision-making procedures were Constitutional and in order.” The Synod PJC further found that the Presbytery has the right to take action regarding the extension of stated supply contracts. Synod PJC concluded the complaint did not present a claim upon which relief can be granted. The complaint was dismissed.

A subsequent complaint (*Watson v. Presbytery of Scioto Valley*) alleging an irregularity by the Presbytery of Scioto Valley at its March 18, 1997, meeting to extend Hansing’s contract to December 31, 1997, was also dismissed by Synod PJC on November 14, 1997, and appealed to GAPJC by Complainant. This appeal has been consolidated with this case.

Specifications of Error

The complaint stated seven specifications of error which this Commission has determined can be disposed of by the following one specification: that the Synod failed to apply the proper standard in its determination that the complaint failed to state a claim upon which relief can be granted.

This specification is not sustained.

This Commission finds that the Synod PJC did not rest its decision upon a rejection of any factual allegations made in the complaints. Rather, its decision

recognizes that a complainant is not entitled to proceed to trial if the facts alleged in the complaint are insufficient to entitle him or her to the relief that he or she seeks or to show such relief is not proper (D-6.1200d). Even taking the complainants' allegations as true, the Synod PJC found that those allegations could not support a finding that the Presbytery's actions were irregular. This Commission concurs with this finding.

Consistent with *Hardwick v. The Permanent Judicial Commission Synod of North Carolina* (*Minutes*, Part I, 1983, p. 44), this Commission believes the judgment of a lower court on factual issues is to be favored with a presumption of correctness unless plainly or palpably wrong, without supporting evidence, or manifestly unjust. This Commission finds that this presumption applies in this case.

All other specifications of error fail as they depend on this one. The complaints therefore are dismissed.

Nothing in this decision shall be construed to characterize or endorse the relationship of Northminster Presbyterian Church or its minister with any other congregation, or to influence or constrain future actions of Presbytery in its evaluation of the ministry of Theresa Hansing.

The Appellants' motion of February 12, 1998, to apply the decision to all future contract renewals is rendered moot and is hereby dismissed.

Order

IT IS THEREFORE ORDERED that the order of dismissal issued by the Synod PJC is affirmed and this case is hereby dismissed.

IT IS FURTHER ORDERED that the motion of February 12, 1998, is hereby dismissed.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of the Covenant report this decision to the Synod at its first meeting after receipt, that the Synod enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the General Assembly.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of Scioto Valley report this decision to the Presbytery at its first meeting after receipt, that the Presbytery enter the full decision upon its minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the General Assembly.

Patricia Norris and Ferdinand Pharr, members of the Commission, were not present for the meeting of the Commission and, accordingly, took no part in the deliberations or decision of the case. Ruby Rodriguez, member of the Commission, took part in the deliberations, but did not vote on the decision.

Dated this 15th day of February, 1998.